

Peter BRETSCHNEIDER  
Appl. No.: 10/070,824

### REMARKS

#### *Drawings*

In paragraph 1, the Examiner objected to the drawings because figures 1-3 and 6 were not labeled "Prior Art". This objection is traversed. The figures 1-3 and 6 depict and otherwise reference depositing receptacles set out in at least two groups. This is believed a novel point of the present invention. Accordingly, reconsideration and withdrawal of the objection is requested.

#### *Specification*

In paragraph 2, the Examiner objected to the specification for containing informalities including reference to non-existing claims and no brief description of figures 8a-8d. By way of the above amendments, the specification has been amended to no longer reference non-existing claims and to briefly reference figures 8a-8f. Accordingly, reconsideration and withdrawal of the objection is requested.

#### *Claim Rejections – 35 USC §112*

In paragraphs 3 and 4, the Examiner rejected claims 19-27 under 35 USC §112, second paragraph. The basis for the rejection is set out in paragraphs 5-15. By way of the above amendment, claims 19-27 have been amended to address the basis for the rejection. Accordingly, reconsideration and withdrawal of the rejection is requested.

#### *Claim Objections*

In paragraph 16, claims 22 and 26 were objected to for including a typographical informality. By way of the above amendment, the typographical informality has been corrected. Accordingly, reconsideration and withdrawal of the objection is requested.

#### *Claim Rejections – 35 USC §102(e)*

In paragraph 17, the Examiner object to claims 19-27 under 35 USC §102(e) as being anticipated by US Patent 6,227,378 (Jones). This rejection is traversed.

The present invention is directed to a method for sorting flat mail items in a sequence. The mail items are accommodated in containers (1, 4) which run along a track

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(figs. 1 and 2). When the containers pass over a one of many depositing receptacles (2), and it is determined that the mail item belongs in that one receptacle, the container is made to open and the mail item drops down into the receptacle (2) forming or adding to a stack of mail items (5). The receptacles are (sub)divided into at least two groups so that stacks (5) of one group may be emptied while mail is being deposited in at least one of the other groups. Mail items of different locations are sorted into different receptacle groups. This arrangement increases throughput and decreases manpower requirements. This limitation is found in independent claims 19 and 24. This limitation is missing from Jones.

Jones is directed to a mail sorting system wherein a plurality of storage receptacles (4) travel about a track (6). Mail is put into the storage receptacles (8). The Jones system includes a plurality of output receptacles (12) which accommodate particular mail items from particular storage receptacles which are made to drop into a particular output receptacle upon command from control system (16). When the control system (16) determines that a particular mail piece does not belong in one of the available output receptacles (12), the mail item remains in the storage receptacle (4) and continues to travel along the track (6) until a suitable output receptacle (12) opens up. A suitable output receptacle (12) is one assigned to the location of the mail item. In effect, the track (6) in combination with the storage receptacle (4) acts as a buffer. Jones does not distinguish the output receptacle (12) into at least two groups with different destinations. Accordingly, Jones is not able to appreciate the decreased manpower and increased throughput of the present invention.

Clearly anticipated novelty based rejections require that every limitation of the claims be clearly found in the prior art. Jones is missing the output receptacle groupings. Accordingly, the present invention as claimed is not clearly anticipated by Jones and reconsideration and withdrawal of this rejection is requested.

#### ***Conclusion***

No new matter has been added. The Examiner is invited to contact the undersigned for any reason which would expedite handling of this application.

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The present response is intended to correspond with the Revised Amendment Format. Applicant understands that with the Revised Amendment Format, the provisions of 37 CFR §1.121 are waived. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 2003P15300US. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: 16 December 2003  
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